PRESERVED

G. R. S. App. F. IX-4] 1942- Leg. File No. 20-42

Previous References. Serial Nos.

Later References.

27

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for A.D. 1942

SUBJECT.

The Cattle Fines (Emergency) Ordinance, 1942

To the Compiler. Home Secretary
Issued vide R.d. 356/Legi. 20-42-1 dt 30.9.42

Directs the promulgation [illegible]
for the Imposition of Cattle Fines

To the D.R.O: Nuwara Eliya
P 2645-55 dt 7.10.42
Issues certain instructions to be followed by the D.R.O

1259/42 The Collective Fines O e1942

General and Revenue Secretariat R. A. & L. C. | File I of 194 (1) | [App. F. III–2

1011RL

Serial No.

From

The Secretary to the Govt for the Resident in Hyd

Letter No F 70-42/W dated 25th Aug 1942

Requesting that an enactment Similar to the ... Fine Fines Ordinance 1942 may be introduced in the State

1) The previous reference wherein orders have been passed on the subject of introducing legislation Similar to the collective Fines Ordinance 1942 is put up herewith

The Residency now request that an enactment Similar to the collective Fines Ordinance 1942 may be introduced in the State immediately

since the imposition of ~~passes~~ fine under the above ordinance is in the nature of a punitive tax. the file may be sent to the police Section to consider the need for introducing similar legislation here also

Subs for orders

W. 28-8-42

2) Secy

Asst Secy

3)

28.8.42

NOTE—Contn. Sheet

The Ordinances ... short one

2) The Collective Fines Ordinance, 1942.

File No. of 194 .

General and Reven Secretariat R. A. & L. C.

Serial No.

empowering the Provincial Govts to impose and collect collective fines in any area the inhabitants of which are concerned in or are abetting the Commission of offences prejudicially affecting defences of India etc.

The Residency request that similar legislation may be undertaken here. Suitable alterations are indicated in the British Indian Ordinance put up. (Flag A) Submitted for orders. It may be passed as an Emergency measure under section 31 of the Govt of Mysore Act. Submitted for orders.

NEW 28/8

Law Secy)

4) May be passed as an Emergency Act now though it was considered unnecessary to undertake the legislation in May 1942. The necessary emergency has risen now. Suitable alterations as indicated in the British Indian Ordinance (Flag 9) will be made

Mun Dept Jan Law

Chief Secy 26-8-42

5) NEW 28/8

29/8

OF MINC. AUG 29 19 No 1943

SECY. LAW DEPT 2243 21 AUG 1942 GOVT OF MYSORE

DEWAN'S OF AUG 1942 NO 1941

The Collective Fines ordinance – 1942 1259

(3)

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

14

6) If the Other Ministers agree, he may obtain H.H.'s sanction to the proposal. The emergency Act will be promulgated only if necessity arises.

Rly
30/8/42

7) For favour of circulation

Ans
31-8-42

Chief Secy
31/8

CHIEF SECRETARY. 31 AUG. 1942 GOVT. OF MYSORE.

8) Circulate

31/8

Submitted with a circular about News

By
31/8/42

Signs
31/8

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

For Disposal by Circulation. **No. C. 303**

...of..1942-43.

ERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The Collective Fines Ordinance, 1942.

Circulated to the Council of Ministers.

By Order.

M S. [illegible]
31/8

.....31st August.....*194* 2. *Chief Secretary to Government.*

1981. 1.9.42 **Minister for Finance and Revenue.** [signature] 1.9.42

Minister for Law (Seen)

1155 1.9. **Minister for Education.** [signature] 1.9.42

1923 1/9 **Minister for Local Self-Government and Public Health.** [signature] 1.9.42

FD 06346—GPB—500—24-3-42

The Collective Fines Ordinance, 1942.

P 1396
1259
1352
1442

eneral and Revenue Secretariat | File No. | of 194 | [App. F. III—2

Serial No.

Submitted W/ a D.F.N and draft of an Emergency Act.

Flag 'W'

(Further Communication No: F.70-42/W dated 3.9.42 received from the Residency is also submitted for orders.)

3/9.

~~Since~~ While the file was under circulation two further communications have been received from the Residency. The first one dated 1/9/42 in the linked file invites attention to another ordinance passed in British India amending the original Collective Fines Ordinance. Under the latter the power to impose collective fines was limited to the commission of offences prejudicially affecting the Defence of India or the efficient prosecution of the War. Under the amending Ordinance this power is extended to offences affecting public safety, the maintenance of public order and of services and supplies necessary for the life of the community. These amendments have been included in the draft follow up.

The second communication (3-9-42), the Residency suggest the desirability of ~~of~~ applying the ordinance in Mysore, as this would help to relieve the British Indian troops guarding the Bangalore - Hindupur line of the Broad Gauge

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

The Collective Fines Ordinance, 1942

File No. of 194

General and Revenue Secretariat

Serial No.

OFFICE OF THE MINISTER FOR LAW
SEP 5 1942
No.

ion. In this connection kind reference is invited to the Dewan's minute at para 6 of the note supra.

U.D.7.N. is submitted for consideration

Mr 5/9
1.9

(Chief Secy)

AD/5.9.42

Law Mr) Mr 5/9

Ans
5/9

D.S.N. Said

Mr 7/9
Dewan in charge)

AD/6/9/42

CHIEF SECRETARY'S
5 SEP 19
GOVT OF MYSORE

Final Note by the Minister for Law.

Subject.— The Collective Fines Ordinance, 1942.

The Residency has informed this Government that the Government of India have requested all Provincial Governments to take urgently all possible steps by the imposition of collective fines or otherwise on inhabitants of towns and villages in disturbed areas bordering communications, in order to enforce collective responsibility for the protection of railways.

A draft of an Act is drawn up on the lines of the British Indian Ordinance and placed in the file. The Dewan considers that it may be kept ready and promulgated in Mysore as an Emergency Act if necessity arises. The Ministers agree in this view. At present there is no urgency for it. But it is too early to say that the emergency which arose in August may not recur.

I solicit the gracious sanction of His Highness to the Bill submitted in the file and to its promulgation as an Emergency Act if necessity arises.

MINISTER FOR LAW.

Bangalore,
5th September, 1942.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation as an Emergency Act of the Collective Fines Ordinance, 1942, for His Highness's gracious approval.

/T Chua Tan Cheng

MINISTER FOR FINANCE & REVENUE,
IN CHARGE OF THE CURRENT DUTIES OF THE DEWAN.

Record of Cases submitted for the Orders of
His Highness the Maharaja.

Subject.

General and Revenue

Secretariat.

SUBJECT:—

Promulgation as an Emergency Act of the Collective Fines Ordinance, 1942.

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

...Law.....Department.

Minister for Finance and Revenue.

Minister for Law.

1325/11.9

Minister for Education.

2215/12/9

Minister for Local Self-Govt. and Public Health.

Law Secy

NOTE.—Contn. sheet

WD 06360—GPB—500—23-3-42

P. 1396

Promulgation as an Emergency Act of the Collective Fines Ordinance - 1942

General and Revenue Secretariat — File No. 20 of 1942-3 — [App. F. III-2

Serial No.

OFFICE OF THE MINISTER FOR LAW
SEP 28 1942
No. 2700

DEW
29. SEP.
No. 2604

SECY. SEPT. 3430 2 SINGAPORE

Kind Reference is invited to para 2 of the Draft Final Note. Subd for orders

SAG 15/9

It will be promulgated when the necessity arises.

MWR 15/9

M. Law Secy)

CWS 15-9-42

The Residency may perhaps be informed of the action taken by this Govt with regard to the Act.

Draft to Residency Subd for consideration & approval.

SAG 26/9

MWR 26/9

M. Law Secy)

May not be necessary to give this wide publicity now

CWS 26-9-42

MWR 26/9

Dewan

It may be promulgated now

RE 29/9

RLL 30/9/42

Draft for is put up for approval. If approved the Act will be got published in tomorrow's issue of the Gazette, no notification appears necessary to bring it's provisions into force.

DAS 30.9.42

WD 04155-GPB—55,000—23-10-41

Secy (Home)

MWR 30.9.42

Law Secy

MWR 30.9.42

mulgation of the Emergency Act to provide for the
Relation of collective fines

2112/pol 42

File No. 1011 RL of 194

General and Revenue Secretariat

Serial No.

OCT 3, 1942
No 2936

ued No RL 356 Legis 20-42-1 dated 30-9-42 to
e compiler Mysore Gazette.
ects publication of the Act in an Extraordinary
ue of the Gazette dated 1-10-42.

The Act has appeared in the Gazette
(English) of 1.10.42. The file may be sent to the Secy. Bn
for information and for any action that Branch may
want to take.

Supdt Pro Branch) 2/10 — 2.10.42 JKRV 2/10

RBVN 2/10.

Draft letter to the Residency in the file
is amended and submd for appl or otherwise

may be approved.
JKRV 3/10

3/10
2/10

Law Secy.)

for Secretary
Cus
3-10-42
JKRV 3/10

(1) Issue

(2) Issue circular to Magistrates inviting attention to the be
and explaining its object (particularly Secs. 10, 11, 13, 14
other provisions of the Act) and calling for prompt
proposals in all cases where necessary
enforcement.

By
4/10

Cus
4-10-42
JKRV 5/10

No: Pol. 776 dt 5.10.1942
To the Secy to the Hon'ble the Resident
Sending a Copy of the Act

SECY. LAW DEPT.
3763
3 OCT 1942
SECT TO MYSORE

Imposition of Collective Fines
Vol C

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

Draft explaining the Object of the Act and calling for proposals submitted for approval.

JMEV 6/10

SKR 6/10. Law Secy)

Jan p-mural

ans 6-10 42

JMEV 6/10

Mudaliar

7/10

ans 7.10.42

Issue today JMEV 7/10

To the DRO: Magistrate

P2645-55 of 7.10.1942

issuing instructions on the lines ordered by the Law Member

SKR 20/10.

SECY. LAW DEPT. 3888 GOVT. OF INDIA

OCT 6 1942 No. 3004

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

101/42

No. F.70-42/W.

SECTY. LAW DEPT. 26 AUG 1942 GOVT OF MYSORE

OFFICE OF THE SECRETARY REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL 26 AUG. 1942

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Legis. Dept. 25 AUG. 1942 GOVT. OF MYSORE.

Dated Bangalore, the 25th August *1942.*

The Collective Fines Ordinance, 1942.

SIR,

I am directed to refer to memorandum from this Residency No.F.70-42/W dated the 22nd May 1942, and to request that an enactment similar to the Collective Fines Ordinance, 1942, may kindly be introduced in the State immediately, if this has not already been done.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

PP.42-42-2 1396

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No. F.70-42/W.

PP
CHIEF SECRETARY 3. SEP. 1942 GOVT. OF MYSORE.

Dated Bangalore, the 3rd Sept. *194* 2.

AID TO CIVIL POWER.

The Government of India have requested all Provincial Governments to take urgently all possible steps by the imposition of collective fines or otherwise, on inhabitants of towns and villages in disturbed areas bordering communications in order to enforce collective responsibility for the protection of railways.

3. SEP. 1942 PROTECTION BRANCH

2. Such collective responsibility where railway and telegraph lines pass will enable the military authorities to reduce considerably the number of troops employed for the protection of such communications without a decrease in reasonable security.

3. It is not known whether the Mysore Government have applied the Collective Fines Ordinance, 1942, in the State or not and I am to suggest the desirability of such action, which will help to relieve the British Indian troops now on protective duty on the Bangalore - Hindupur and the Broad Gauge line as well as the State troops on lines under the jurisdiction of the Mysore Government. The military authorities are anxious to bring in their troops now patrolling the lines and guarding trains as soon as possible. It is contemplated that village responsibility will include not only drastic fines and penalties for neglect of their responsibility but also rewards

for the security achieved and payment for satisfactor day and night patrolling. It is hoped that the Mysore Government will agree to organise collective responsibility on the above lines as an essential factor in economy of effort and proper security of communications.

SECRETARY TO THE RESIDENT

ACT NO. XXXIX of 1942.

An

Act

to provide for the imposition of collective fines.

(Received the assent of His Highness the Maharaja on the 8th day of September 1942)

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of collective fines in connection with offences prejudicially affecting the defence of India, the public safety, the maintenance of public order, the efficient prosecution of war or the maintenance of supplies or services necessary to the life of the community.

Now, THEREFORE, in exercise of the powers conferred by section 31 of the Government of Mysore, it is hereby enacted as follows.

Short title, extent and commencement.

1. (1) This Act may be called the Collective Fines (Emergency) Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Imposition of collective fines on inhabitants of area.

2. (1) If it appears to the Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the defence of India, the public safety, the maintenance of public order, the efficient prosecution of war or the maintenance of supplies or services necessary to the life of the community, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Al 356 Leji 20-42-1

Dated. Bangalore. 30-9 1942

Ordered that the accompanying Emergency Act
to provide for the imposition of Collective fines

which received the assent of His Highness the Maharaja, on the 8th day of September 1942, be published as Act No. XXXIX of 1942, in the *Mysore Gazette*, for general information.

V Venkatachar
General Secretary to Government.
Law Dept

BKR
30.9.42

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, is published tomorrow in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Order No. RL.356 Legis.20-42-1 Dated Bangalore, 30th September 1942

Ordered that the accompanying Emergency Act to provide for the imposition of Collective Fines which received the assent of His Highness the Maharaja on the 8th day of September 1942, be published as Act No.XXXIX of 1942, in the Mysore Gazette, for general information.

Sd. C. NARAYANASWAMY NAIDU,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette to be published tomorrow in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to Translation Section.

ACT NO.XXXIX of 1942.

An

Act

to provide for the imposition of collective fines.

(Received the assent of His Highness the Maharaja on the 8th day of September 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of collective fines in connection with offences prejudicially affecting the defence of India, the public safety, the maintenance of public order, the efficient prosecution of war or the maintenance of supplies or services necessary to the life of the community.

NOW, THEREFORE, in exercise of the powers conferred by section 31 of the Government of Mysore Act it is hereby enacted as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Collective Fines (Emergency) Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Imposition of collective fines on inhabitants of area.

2. (1) If it appears to the Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the defence of India, the public safety, the maintene of public order, the efficient prosecution of war or the maintenance of supplies or services necessary to the life of the community, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power t discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the Government may, by notificatio in the official gazette, impose a collective fine the inhabitants of that area.

(2) The Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

Explanation.-- For the purposes of this section the expression "inhabitants of an area" includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P.(7764 **General and Revenue Secretariat,**

Dated Bangalore, 5 October *19* 42.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
aw Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

SIR,

Subject: Aid to Civil Power.

I am directed to invite reference to correspondence ending with your letter No.F.70-42/W dated 3rd September 1942 on the above subject, and to state that an enactment on the lines of the Collective Fines Ordinance, 1942, in British India was promulgated on 30th September 1942. Copy of the Act is enclosed.

I have the honour to be
Sir,
Your most obedient Servant,

Secretary to Government
Law Department

Appendix F. G.—1j

SUBJECT.....

.....

.....

Section P1

File No. 42-42

Serial No. 3

Diary No. of letter replied to.....

No. Pol 776

Encl. nil

To

The Secretary to the Hon'ble the Resident in Mysore.

General and Revenue Secretariat

( )

the *194*

Subject: Aid to Civil Power.

Sir,

Date of issue... 5.10.1942

I am directed to invite refere

Signed by... M.K.V

to correspondence ending with your lette

No. F. 70-42/W dated 3rd September 1942 on

the above subject and to state that an

enactment on the lines of the Collective

Fines Ordinance. 1942. in British India

was promulgated on 30th September 19

A copy of the Act is enclosed.

List of enclosures.....

I have etc.,

Copied by.....

Secretary to Government,
Law Department.

MKV 3/10

Examined by.....

WD 04161—GPB—60,000—24-10-41

Appendix F G—1]

SUBJECT.....

.....

.....

Section PP

File No. 42-42

Serial No. 4

Diary No. of letter replied to.....

No. P2645-55

To

The Dist. Magistrates of Dists.

General and Revenue Secretariat

( )

the *19*

Subject:- ~~Aid to Civil Power~~ Collective Fines Act.

Date of issue 7.10.42

Sir,

Signed by M.M.K.V

In inviting reference to the Emergency Act XXXIX of 1942, published in the Mysore Gazette, dated 1st October 1942, providing for the imposition of Collective Fines, I am directed to state that the object of the Act is to enforce collective responsibility on inhabitants of towns and villages in disturbed areas, especially those bordering communications, in order to secure ~~effectively~~ the effective protection of Railway and Tel

List of enclosures.....

Copied by .....

Examined by .....

WD 086—GPB—40,000—30-7-40

and Electrical
Telegraph lines and other public property.

Such collective responsibility where

and Electrical
Railway and Telegraph lines pass will enable

a
~~the~~ reduction of the number of Police and

troops employed for the protection of such

communications without a decrease in reasonable

security.

I am ~~xxxx~~ to request that in all cases

falling within the scope of the Act, proposals

~~xxxxxxxxxxxx~~ for the imposition of collective

lines may be forwarded promptly to Government

for consideration
after making necessary enquiries.

The D.S.P. H.Q.
The Asst Comm^rs of Area ^rs and ~~the~~ other
Law & Police offrs may be instructed to escort
town or
each village chairman which
such lines pass into their
respective areas, Convene
meetings of municipalities,
village Panchayats, local officials
& citizens & explain the
implications and the responsibility
of the local authorities.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P — General and Revenue Secretariat.

Dated Bangalore.. 7th October.....19 42.

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore.
Law Department.

To

The District Magistrate,
District.

SIR,

Subject: Collective Fines Act.

In inviting reference to the Emergency Act XXXIX of 1942, published in the Mysore Gazette, dated 1st October 1942, providing for the imposition of Collective Fines, I am directed to state that the object of the Act is to enforce collective responsibility on inhabitants of towns and villages in disturbed areas, especially those bordering communications, in order to secure the effective protection of Railway and Telegraph and Electrical lines and other public property.

The Assistant Commissioners, the District Superintendent of Police and Amildars and Police Inspectors and other Revenue and Police Officers may be instructed to visit each town or village through which such lines pass and also other important areas, convene meetings of municipal bodies, village panchayets, local officials and citizens and explain the implications and the responsibility of the local population.

am to request that in all cases falling within the scope of the Act, proposals for the imposition of collective fines may be forwarded promptly to Government for consideration after making necessary enquiries.

I have the honour to be,
Sir,
Your most obedient servant,

M. K. Haradaraj Urs

for Secretary to ~~Government~~,
Law Department.